

What to do during a police encounter

(and you are not driving a car)

If on foot and ordered to stop by a police officer:

Keep your hands where the police can see them. Don't run. Don't touch the police officer. Don't resist even if you believe you are innocent or being targeted unfairly.

Ask if you are under arrest. If you are, you have a right to know why. Tell the officer you wish to exercise your right to remain silent, and that you would like to speak with an attorney. Once you have evoked your right to remain silent the officer should stop questioning you. If you are not under arrest, ask if you are free to leave.

The police will ask you to identify yourself. It is not illegal in Oregon to refuse to identify yourself, but never give them false information.

You do not have to consent to any search and/or seizure. If the police threaten to get a warrant, you may tell them to get one. The police may be able to detain you until they obtain the warrant.

If you witness a police action that you think is unfair or a violation of free speech rights, do not interfere, encourage others to interfere, or complain to the police officers at the scene that they are wrong. Any of these actions could result in your arrest. Instead move to a safe distance, call 911, and document everything you witness.

If you feel that your rights as a protester have been violated, you can submit a Legal Request with the ACLU of Oregon at www.aclu-or.org/help or by calling the numbers below.

ACLU of Oregon

**PO Box 40585
Portland, OR 97240
503-227-3186
Toll-free 1-888-527-2258**

**info@aclu-or.org
www.aclu-or.org
Visit us on Facebook
www.facebook.com/ACLUofOregon**



Do you know your rights to protest?



Because freedom can't protect itself



Protest: *a solemn declaration of opinion and usually of dissent*

Dissent: *to differ in opinion or feeling; disagree*

First Amendment: Congress shall make no law abridging the freedom of speech ...or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.



Your rights to protest

You have a constitutionally protected right to engage in peaceful protest in “traditional public forums” such as streets, sidewalks or parks. But in some cases the government can impose restrictions on this kind of activity by requiring permits. This is constitutional as long as the permit requirements are reasonable, and treat all groups the same no matter what the focus of the rally or protest.

The government cannot impose permit restrictions or deny a permit simply because it does not like the message of a certain speaker or group.

Generally, you have the right to distribute literature, hold signs, collect petition signatures, and engage in other similar activities while on public sidewalks or in front of government buildings as long as you are not disrupting other people, forcing passerby to accept leaflets or causing traffic problems.

Under the USA Patriot Act, non-US citizens who are not permanent residents can be investigated solely because of their First Amendment activities. Immigrants who choose to engage in a protest, march, or a demonstration should carry with them the telephone numbers of friends and relatives, as well as the telephone numbers of an immigration attorney or an immigrant advocacy organization.

Limitations on Speech

The First Amendment does not protect speech that is combined with the violation of established laws such as trespassing, disobeying or interfering with a lawful order by a police officer. Also unprotected are malicious statements about public officials and obscene speech.

Although an inflammatory speaker cannot be punished for merely arousing an audience, a speaker can be arrested for incitement if he/she advocates imminent violence or specifically provokes people to commit unlawful actions.

Limitations on Action

Demonstrators who engage in civil disobedience – defined as non-violent unlawful action as a form of protest – are not protected under the First Amendment. People who engage in civil disobedience should be prepared to be arrested or fined as part of their protest activity.

If you endanger others while protesting, you can be arrested. A protest that blocks vehicular or pedestrian traffic is illegal without a permit.

You do not have the right to block a building entrance or physically harass people. The general rule is that free speech activity cannot take place on private property, including shopping malls, without consent of the property owner. You do not have the right to remain on private property after being told to leave by the owner.